

Further misbranding, Section 502 (b) (1), the repackaged drugs other than the *anhydrohydroxyprogesterone tablets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. Section 502 (d), the repackaged *phenobarbital tablets* and *tablets containing a mixture of mannitol hexanitrate and phenobarbital* contained a derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and such repackaged drugs failed to bear labels containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming." Section 502 (e) (1), the repackaged *thyroid tablets* failed to bear a label containing the common or usual name of the tablets; and, Section 502 (e) (2), the repackaged *dextro-amphetamine sulfate tablets* and *tablets containing a mixture of mannitol hexanitrate and phenobarbital* failed to bear a label containing the common or usual name of each active ingredient of such tablets.

DISPOSITION: May 28, 1953. The corporation and Kenneth R. Reynolds having entered pleas of nolo contendere, the court fined the corporation \$300 and Kenneth R. Reynolds \$250, plus costs. On May 17, 1954, Walter J. Foohey entered a plea of nolo contendere, and, on the same day, the court suspended the imposition of sentence against this defendant.

4265. Misbranding of quinine sulfate tablets and Chlorbrom syrup (bromide sedative). U. S. v. Chase Chemical Co. and Sydney Chasman. Plea of guilty entered by company to 5 counts of information; plea of guilty entered by individual to 1 count. Fine of \$500 against each defendant. (F. D. C. No. 33773. Sample Nos. 6442-L, 23478-L.)

INFORMATION FILED: April 20, 1953, District of New Jersey, against the Chase Chemical Co., a corporation, Newark, N. J., and Sydney Chasman, president of the corporation.

ALLEGED SHIPMENT: On or about November 8, 1951, and March 5, 1952, from the State of New Jersey into the States of Connecticut and New York.

LABEL, IN PART: (Bottle) "Tablets Quinine Sulfate * * * 0.13 Gm. (2 gr.) Chase Chemical Company Pharmaceutical Chemists Newark, New Jersey" and "Syrup Chlorbrom * * * Bromide Sedative * * * Steel Pharmaceutical Co., Inc. Distributors New York, N. Y."

NATURE OF CHARGE: *Chlorbrom syrup*. Misbranding, Section 502 (a), the label of the article contained statements which represented and suggested that each 5 cc. of the article contained 3 grains of sodium bromide, 3 grains of potassium bromide, and 3 grains of ammonium bromide, a total of 9 grains of bromides, which statements were false and misleading since each 5 cc. of the article did not contain a total of 9 grains of bromides but did contain a lesser amount. Section 502 (d), the article contained chloral hydrate, a chemical derivative of chloral, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the article failed to bear the statement "Warning—May be habit forming" in juxtaposition with the declaration on the label of the name and quantity of such chemical derivative; and, further, the name and quantity of the chemical derivative and the statement "Warning—May be habit forming" were not displayed upon the main panel label of the article immediately following the name of the article on the main panel.

Quinine sulfate tablets. Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use for the purposes for which the article was intended.

The information alleged also that certain vitamin preparations were adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods, No. 20793.

DISPOSITION: December 18, 1953. The corporation having entered a plea of guilty to the 5 counts of the information and the individual having entered a plea of guilty to the count in the information relating to the *quinine sulfate tablets*, the court imposed a fine of \$500 against each defendant.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

4266. Adulteration of dextro-amphetamine sulfate tablets. U. S. v. Ross-Whitney Corp. (Heart Pharmaceutical Co. of California), Louis M. Mills, and Robert C. Whitney. Pleas of nolo contendere. Fine of \$200 against corporation and \$100 against each individual. (F. D. C. No. 33774. Sample No. 26646-L.)

INFORMATION FILED: June 2, 1953, Southern District of California, against the Ross-Whitney Corp., trading as the Heart Pharmaceutical Co. of California, Los Angeles, Calif., Louis M. Mills, president, and Robert C. Whitney, secretary-treasurer of the corporation.

ALLEGED SHIPMENT: On or about November 1, 1951, from the State of California into the State of Pennsylvania.

LABEL, IN PART: (Bottle) "1000 Tablets Heart Brand Dexedrine (Dextro-Amphetamine Sulfate) 5 mg."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess since each tablet was represented to contain 5 milligrams of dextro-amphetamine sulfate, whereas each tablet contained less than 5 milligrams of dextro-amphetamine sulfate.

DISPOSITION: January 25, 1954. The defendants having entered pleas of nolo contendere, the court fined the corporation \$200 and each individual \$100.

4267. Adulteration and misbranding of ear drops and misbranding of Vita-Malt, nose drops, aluminum hydroxide gel, pyrilamine maleate liquid, and pyrilamine maleate tablets. U. S. v. Kimball Drug Co. (Kimball Wholesale Drug Co.), and Horace W. Kimball. Pleas of nolo contendere. Fine of \$200 against individual; imposition of sentence against corporation suspended. (F. D. C. No. 33750. Sample Nos. 18271-L to 18277-L, incl.)

INFORMATION FILED: June 10, 1953, District of Arizona, against the Kimball Drug Co., a corporation trading as the Kimball Wholesale Drug Co., Phoenix, Ariz., and Horace W. Kimball, president of the corporation.

ALLEGED VIOLATION: On or about May 7, 1951, the defendants received in interstate commerce, at Phoenix, Ariz., a number of bottles of *Vita-Malt* which was misbranded; and, on or about May 8, 1951, the defendants caused a number of the bottles of *Vita-Malt* to be delivered for pay to the Maricopa County Hospital, at Phoenix, Ariz., in purported fulfillment of a purchase order issued by Maricopa County through its board of supervisors.

In addition, between May 7 and June 13, 1951, while various quantities of *nose drops, ear drops, aluminum hydroxide gel, pyrilamine maleate liquid*, and